|  |  |  |
| --- | --- | --- |
| Policy #  **Sexual Misconduct** | Related Policies: | |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis for internal discipline and/or criminal charges.* | | |
| Applicable State Statutes: K.R.S. 522.030; K.R.S. 510.010; K.R.S. 510.140 | | |
| KACP Accreditation Standard: 30.4 | | |
| Date Implemented: | | Revision Date: May 1, 2025 |

1. **Purpose:** Law enforcement officers are empowered with authority by their government to protect the public from criminal activity. When an officer abuses this authority for sexual purposes and violates another person, the officer not only commits a crime against the victim but also damages the credibility and trust of the entire law enforcement community with the public. The purpose of this policy is to caution all officers that any violation of the public trust involving sexual misconduct will result in severe consequences, including prosecution to the fullest extent possible.
2. **Policy:** It is the policy of this department to train all officers concerning the potential for criminal sexual misconduct within law enforcement, how to recognize it, and the requirements for reporting any violation to the appropriate authorities.
3. **Definitions:**
   1. Criminal sexual misconduct: A person is guilty of sexual misconduct when he or she engages in sexual intercourse or deviate sexual intercourse with another person without the latter's consent.
   2. Sexual misconduct: Any sexual activity while on duty or stemming from official duty. Sexual misconduct includes but is not limited to the use of an official position and official resources to obtain information for purposes of pursuing sexual conduct.
   3. Intimate part: Genital area, inner thigh, groin, buttocks, or breasts of a person.
   4. Actor: The person accused of sexual assault.
   5. Sexual contact: Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person not married to the actor.
4. **Procedure:** 
   1. Sexual activity, which includes any activity for sexual gratification, while on duty is prohibited.
   2. Sexual misconduct is prohibited and shall be disciplined up to and including termination.
   3. Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person while on duty is prohibited.
   4. An officer shall not engage in sexual contact with another person who is in the custody of law enforcement.
   5. All sworn officers of this department, including supervisors, will receive specific training about the elements of sexual misconduct involving law enforcement officers. The training will also include all elements of this policy.
   6. Reporting requirements: Any employee of this department who is made aware of any violation of this policy is required to report the violation to their supervisor. The supervisor will contact the internal affairs section or the command-level personnel having internal affairs responsibility who will initiate an investigation in accordance with their established investigative policy. The investigation will involve other investigative elements of the department as necessary, and any forensic evidence will be protected and processed in a timely manner The accused officer’s supervisor will not attempt to resolve a complaint of this nature with the complainant and is required to make immediate contact with internal affairs or the command-level personnel having internal affairs responsibility.
5. **Discipline:** 
   1. Any employee found to be in violation of the provisions of this policy shall be disciplined, up to and including termination and criminal charges where established.
   2. Any employee having knowledge of a violation of this policy who fails to report said violation shall also be disciplined up to and including dismissal and criminal charges if appropriate.
   3. If the violation involves supervisory personnel, the reporting employee will notify a supervisor and will not be strictly held to his or her chain of command.